

# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 10, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL:                    *P*                    *P*                    *P*                    *P*                    *P*                    *A*  
*Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*  
*(Commissioner Dwyer had an excused absence)*

### AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF OCTOBER 10, 2006, BY THE FOLLOWING VOTE:

AYES:                    Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan  
NOES:                    None  
ABSENT:                Dwyer  
ABSTAIN:               None

### MOTION APPROVED

#### A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

##### A-1. ZONING TEXT AMENDMENT NO. 06-05 (LARGE-FAMILY DAYCARE AMENDMENT) – Jennifer Villasenor

Jennifer Villasenor, Associate Planner, gave an overview of the proposed text amendment. She noted the current requirements and fees and highlighted the proposed changes which are to eliminate payment of an application fee and the submittal of architectural plans.

Discussion ensued between the Commissioners and staff regarding traffic circulation and the permitting process.

##### A-2. CONDITIONAL USE PERMIT NO. 06-34 (TATTOO GALLERY) – Tess Nguyen

Tess Nguyen, Associate Planner, gave an overview of the proposed project which consists of a tattoo studio in conjunction with an art gallery.

Commissioner Farley questioned the type of art to be on display. Nguyen stated that paintings, photographs and tattoo art would be displayed.

Commissioner Scandura asked staff how many tattoo shops are currently operating in Huntington Beach. Staff advised there are currently four shops.

**A-3. CONDITIONAL USE PERMIT NO. 06-28 (MOBIL MINI MART) – Rami Talleh**

Rami Talleh, Associate Planner, gave an overview of the proposed project which is a proposal to convert an automobile repair facility to a convenience store as an ancillary use to an existing gas station. He stated the new storefront design and landscaping would be consistent with Bella Terra.

Discussion ensued between Commissioners and staff regarding the driveway and the size of the refueling area.

**B. STUDY SESSION ITEMS - NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):**

Herb Fauland announced late communications for Agenda Items B-1 and D-1.

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Commissioner Scandura reported that the City/School District Quarterly meeting was held on October 6, 2006. At the meeting the committee discussed enrollment issues and stated that the Nieblas school site in Fountain Valley had been sold.

Commissioner Shier-Burnett reported on the October 5, 2006, Environmental Board meeting. She noted that one of the members is writing an article on solar energy resources for newspaper publication.

**E. PUBLIC COMMENTS (Regarding Project Review or Study Session Portion of Meeting):**

Kimo Jarrett, applicant for Item A-3, provided information on safety concerns regarding the proposed project.

**F. PLANNING COMMISSION COMMENTS:**

Commissioner Scandura asked staff to report on Proposition 90 at an upcoming Study Session.

**5:50 P.M. – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Chair Dingwall

**ROLL CALL:**            *P*            *P*            *P*            *P*            *P*            *P*            *A*  
*Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*

### **AGENDA APPROVAL**

**A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 10, 2006, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan  
**NOES:** None  
**ABSENT:** Dwyer  
**ABSTAIN:** None

### **MOTION APPROVED**

**A-1. SPECIAL RECOGNITION OF PLANNING COMMISSION SUBCOMMITTEE – PROJECT REVIEW PROCESS:** Mike Adams, Dean Albright, Bob Dingwall, John Erskine, Dick Harlow, Randy Kokal, Steve Ray, Ron Sattersfield, John Sisker.

Chair Dingwall presented certificates of recognition to the subcommittee members.

**A-2. ORAL COMMUNICATIONS - NONE**

**B. PUBLIC HEARING ITEMS:**

**B-1. CONDITIONAL USE PERMIT NO. 06-23 (HUNTINGTON BEACH BEER COMPANY)** **Applicant:** Mike C. Adams and Associates **Request:** To allow the establishment of a 200 sq. ft. dance floor, modified hours of operation and construction of a 400 sq. ft. outdoor dining area within the public right-of-way. The project also includes a request to participate in the Downtown Parking In-Lieu Fee program for three parking spaces (2 parking spaces for the dance floor and replacing one on-street parking space with outdoor dining). **Location:** 201 Main Street, Suite E **Project Planner:** Rami Talleh

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 06-23 with findings and suggested conditions of approval."

**The Commission made the following disclosures:**

- Commissioner Burnett advised she has visited the site many times and spoke with staff.
- Commissioner Livengood visited the site and spoke with staff.
- Commissioner Scandura visited the site, spoke with staff and Councilman Coerper.
- Chair Dingwall stated he visited the site, met with the applicant and spoke with staff.
- Commissioner Farley visited the site and spoke with staff.
- Commissioner Horgan visited the site and spoke with staff.

Rami Talleh, Associate Planner, gave a Powerpoint presentation describing the proposed project. He stated that the existing second floor restaurant would be adding a dance floor and an outdoor dining area located on the sidewalk.

Police Chief Ken Small gave a presentation regarding the concerns the Police Department has with the proposed outdoor dining on the sidewalk such as sidewalk congestion, pedestrian access, and supervision of the outdoor dining patrons. Chief Small stated he supports the proposed dancing and amended hours of operation; however, he is not in favor of the proposed outdoor dining.

### **THE PUBLIC HEARING WAS OPENED**

Mike Adams, applicant, requested approval of the proposed project as the addition of outdoor dining would assist the restaurant to compete with other sidewalk dining venues. He advised that there would be an employee present downstairs at all times to observe the outdoor dining area. He pointed out three other corner restaurants with outdoor dining in the immediate area which do not block the sidewalk.

Commissioner Shier-Burnett questioned the hours of operation and staff presence downstairs.

Commissioner Farley asked if alcohol would be served in the outdoor dining area. Adams stated there would be alcohol served during the proposed hours.

Commissioner Horgan voiced concern regarding the transport of food from the upstairs kitchen to the outdoor dining area. Caesar Pena, applicant/owner, stated the elevator would be used or possibly a dumbwaiter.

### **WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Commissioner Livengood stated he was concerned regarding the location of the outdoor dining and the possibility of an accident occurring.

Shier-Burnett recommended parking bollards be installed by the outdoor dining area to prevent a vehicle accidentally driving onto the sidewalk area.

Discussion ensued regarding hours of operation, sidewalk congestion, supervision of the outdoor dining area and use of the elevator for food transport.

Chair Dingwall suggested continuation of the item so the concerns raised could be addressed and mitigated. The applicant agreed and asked for clarification of Commission concerns.

The Commissioner's concerns included: Bollards to be installed to protect diners; a physical presence of an employee at all times downstairs; proposed hours added to the CUP conditions; use of elevator; ADA and Health Department requirements; sidewalk width; location of bike racks; parking spaces; security plan; and possible installation of a dumbwaiter.

**A MOTION WAS MADE BY HORGAN, SECONDED BY FARLEY TO CONTINUE CONDITIONAL USE PERMIT NO. 06-23 TO THE NOVEMBER 14, 2006, MEETING, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan  
**NOES:** None  
**ABSENT:** Dwyer  
**ABSTAIN:** None

**MOTION APPROVED**

**B-2. ZONING TEXT AMENDMENT NO. 06-06 (VEHICLE STORAGE AMENDMENT)**

**Applicant:** City of Huntington Beach **Request:** To amend Huntington Beach Zoning and Subdivision Ordinance, Sections 203.06, 204.10.FF7 and 231.18E to better define "vehicle storage" and to clarify how non-residential parking and loading is intended to be utilized. **Location:** Citywide **Project Planner:** Bill Zylla

**STAFF RECOMMENDATION:** Motion to: "Approve Zoning Text Amendment No. 06-06 with findings for approval and forward the Draft Ordinances including the legislative drafts to the City Council for adoption."

Bill Zylla, Principal Planner, gave an overview of the proposed amendment which would clarify the language defining vehicle storage.

**THE PUBLIC HEARING WAS OPENED**

Mike Adams, consultant, spoke against the proposed amendment citing the current parking supply for the downtown area as adequate and the surplus spaces should be used for revenue purposes.

Scandura asked if there is a procedure in place to rent out surplus parking. Zylla advised there is a current permit application process.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Dingwall questioned how fast the permit process is and if it can be hastened in cases of short term permit parking. Scott Hess, Acting Planning Director, reminded the Chair that the amendment defines vehicle storage and does not amend the permit process.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DINGWALL TO APPROVE ZONING TEXT AMENDMENT NO. 06-06 WITH FINDINGS FOR APPROVAL AND FORWARD TO CITY COUNCIL, BY THE FOLLOWING VOTE:**

**AYES:** Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan  
**NOES:** None  
**ABSENT:** Dwyer  
**ABSTAIN:** None

**MOTION APPROVED**

## **FINDINGS OF APPROVAL**

### **FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-06:**

1. Zoning Text Amendment No. 06-06 to amend various sections of the Zoning and Subdivision Ordinance is consistent with the goals, objectives and policies of the General Plan because the amendment will give Code Enforcement Staff the ability to take effective measures which encourage compliance with the General Plan. By adding a definition of vehicle storage, clarifying vehicle storage activity, and stating the intended use of non-residential parking and loading, Code Enforcement can ensure that the goals, objectives, and policies of the General Plan are followed and effectively implemented.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment will apply to commercial, industrial, and mixed uses citywide. The amendment will create consistent development requirements for these uses in regards to vehicle storage, vehicle storage activity, and non-residential parking and loading. This amendment will aide in clearly defining the intended use of non-residential parking and loading spaces within these areas, thus eliminating or reducing confusion as to allowable uses.
3. A community need is demonstrated for the proposed zoning text amendment. The proposed changes will ensure existing and proposed vehicle storage activities and non-residential parking and loading spaces are used as intended and do not have negative impacts on the community by displacing parking and loading spaces outside of the associated, on-site use.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The General Plan requires that buildings, parking and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods. The amendment will result in the City's enhanced ability to enforce the provisions of the Zoning and Subdivision Ordinance pertaining to vehicle storage, vehicle storage activities, and non-residential parking and loading. This enhanced enforcement ability will assist in ensuring adequate non-residential parking and loading spaces, consistent with the goals and policies of the General Plan.

### **C. CONSENT CALENDAR:**

#### **C-1. PLANNING COMMISSION MINUTES DATED JULY 11, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the July 11, 2006, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER-BURNETT, TO APPROVE THE JULY 11, 2006, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Shier-Burnett, Livengood, Scandura, Dingwall, Horgan</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Dwyer</b>
<b>ABSTAIN:</b>	<b>Farley</b>

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS:**

**D-1. GENERAL PLAN CONFORMANCE NO. 06-04 (EDINGER AVENUE BRIDGE REPLACEMENT) – Applicant: John D. Pavlik, County of Orange, Resources and Development Management Department Request: To determine whether the County's proposal to build a replacement bridge located within city limits at the westerly terminus of Edinger Avenue is in compliance with the goals, objectives, and policies of the General Plan. The bridge provides access to the Sunset Aquatic Park. Location: Westerly Terminus of Edinger Ave. Project Planner: Ricky Ramos**

**STAFF RECOMMENDATION:** Motion to: "Adopt Resolution No. 1614 approving General Plan Conformance No. 06-04 with findings."

Ricky Ramos, Associate Planner, reviewed the proposed project which is to replace the Edinger Avenue Bridge.

Horgan requested clarification that the County of Orange would be rebuilding the bridge. Ramos advised that is correct.

**A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY HORGAN TO ADOPT RESOLUTION NO. 1614, APPROVING GENERAL PLAN CONFORMANCE NO. 06-04 WITH FINDINGS, ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Dwyer</b>
<b>ABSTAIN:</b>	<b>None</b>

**MOTION APPROVED**

**FINDINGS OF APPROVAL**

**GENERAL PLAN CONFORMANCE NO. 06-04**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306, Class 6 of the California Environmental Quality Act, which states that information collection which does not result in major disturbance to an environmental resource is exempt from any environmental review.

**FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 06-04:**

1. The proposal to build a replacement bridge located within city limits at the westerly terminus of Edinger Avenue is in compliance with the goals, objectives, and policies of the Circulation and Coastal Elements of the City's General Plan:

*A. Circulation Element*

Policy CE 1.1.2 – Monitor and participate in applicable County, Regional, State, and Federal transportation plans and proposals.

Goal CE 2 – Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

The City is involved in reviewing and accommodating the County's request which will improve the existing access to the Sunset Aquatic Park.

*B. Coastal Element*

Goal C 2 – Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Objective C 2.5 – Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

The County's proposal will improve access to the Sunset Aquatic Park which provides coastal recreation opportunities to the public.

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

Scott Hess, Acting Planning Director – reported that the City Council approved the final map for the Kelter project and appointed a new member to the Design Review Board.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

Scott Hess, Acting Planning Director – reported on the items scheduled for the next City Council meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next Planning Commission meeting.

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Burnett – None.

Commissioner Livengood – Reported that he would be unable to attend the October 24<sup>th</sup> Planning Commission meeting.

Vice-Chairperson Scandura – None.

Chairperson Dingwall – None.

Commissioner Farley – None.

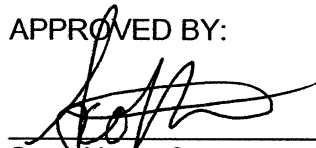
Commissioner Horgan – None.

Commissioner Dwyer – Absent.

**ADJOURNMENT:**

Adjourned at 9:00 p.m. to the next regularly scheduled meeting of Tuesday, October 24, 2006.

APPROVED BY:

  
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Scott Hess, Secretary

  
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Robert Dingwall, Chair

